



CASE HS/1-22713/A/PCT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

IN RE PCT NATIONAL STAGE APPLICATION OF

Group Art Unit: 1796

GUNTHER SCHLINGLOFF ET AL

Examiner: G. R. Delcotto

INTERNATIONAL APPLICATION NO. PCT/EP 03/07121

Confirmation No.: 2763

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FOR: USE OF METAL COMPLEX COMPOUNDS

AS OXIDATION CATALYSTS

U.S. APPLICATION NO: 10/520,841

35 USC 371 DATE: September 15, 2005

Commissioner for Patents

P.O. Box 1450

Alexandria, VA 22313-1450

**Terminal Disclaimer over U.S. app. No. 11/497,444 (37 CFR 1.321(c))**

Sir:

I, Tyler A. Stevenson, represent that I am an Agent of record for this invention.

Ciba Specialty Chemicals Corporation, a corporation organized and existing under the laws of the State of Delaware, represents that it is the assignee of the entire interest in present app. No. **10/520,841** by virtue of an assignment recorded on September 11, 2006, reel/frame 018281/0019.

Ciba Corporation hereby disclaims, except as provided below, the terminal part of the statutory term of any patent granted on application No. **10/520,841** which would extend beyond the expiration date of the full statutory term defined in 35 U.S.C. 154 to 156 and 173 of U.S. app. No. **11/497,444**, filing date of August 1, 2006, the patent application forming the basis of the double patenting rejection. The owner hereby agrees that any patent so granted on application No. **10/520,841** shall be enforceable only for and during such period that it and the prior patent are commonly owned, this

agreement to run with any patent granted on application No. **10/520,841** and to be binding upon the grantee, its successors and assigns.

Said U.S. app. No. **11/497,444** is also entirely assigned to Ciba Specialty Chemicals Corporation by virtue of an assignment recorded on August 3, 2006, reel/frame 018145/0820.

In making the above disclaimer, the owner does not disclaim the terminal part of any patent granted on the instant application No. **10/520,841** that would extend to the expiration date of the full statutory term as defined in 35 U.S.C. 154 to 156 and 173 of the prior app. No. **11/497,444**, in the event that it later expires for failure to pay a maintenance fee, is held unenforceable, is found invalid by a court of competent jurisdiction, is statutorily disclaimed in whole or terminally disclaimed under 37 CFR 1.321, has all claims cancelled by a reexamination certificate, is reissued in any matter or is terminated prior to expiration of its full statutory term.

Respectfully submitted,



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